

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

P.S. – PR&RD Department - Sri K. Anand, the then District Panchayat Officer, Vizianagaram (now under suspension) – Departmental Proceedings under Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 – Article of Charges - Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.IV) DEPARTMENT

G.O.Rt.No.1460

Dated:27-9-2008

ORDER:

It is proposed to hold an enquiry against Sri K. Anand, the then District Panchayat Officer, Vizianagaram (now under suspension) in accordance with the procedure laid down in Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom the article of charges are proposed to be sustained are also enclosed (Annexures –II & III).

3. Sri K. Anand, the then District Panchayat Officer, Vizianagaram (now under suspension) is directed to submit a written statement of his defence within 10 days of receipt this order and state whether he desires to be heard in person.

4. Sri K. Anand, the then District Panchayat Officer, Vizianagaram (now under suspension) is informed that an enquiry will be held only in respect of those article of charges which are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri K. Anand, the then District Panchayat Officer, Vizianagaram (now under suspension) is further informed that if he does not submit his written statement of defence on or before the date specified in Para-3 above, further action will be processed based on the material available.

6. Sri K. Anand, the then District Panchayat Officer, Vizianagaram (now under suspension) is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring if any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri K. Anand, the then District Panchayat Officer, Vizianagaram (now under suspension) is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(P.T.O.)

7. The receipt of the Order shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT**

To

Sri K. Anand, the then District Panchayat Officer, Vizianagaram (now under suspension), Plot No. 6/7, Bahar "B", Sahara Estates, Behind Kamineni Hospital, Hyderabad, through the Commissioner of Panchayat Raj & Rural Employment, Hyderabad.

The Commissioner of Panchayat Raj & Rural Employment, Hyderabad.

The PR&RD (Estt.VIII) Dept.

Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI K. ANAND, THE THEN DISTRICT PANCHAYAT OFFICER, VIZIANAGARAM (NOW UNDER SUSPENSION)

ARTICLE-1:

Hon'ble High Court in their order dated: 27-09-2002 in W.P.No.18359 of 2002 issued directions not to conduct any fresh auctions or renew the existing leases in respect of sand quarries, except in so far as they relates to rivers of Krishna, Godavari & Penna. In spite of the fact that all the sand quarries in the state were prohibited from sale by way of public auction or issuing temporary permits, Sri K. Anand, while he was working as District Panchayat Officer, Vizianagaram granted temporary permits in Proceedings dated: 16-11-2002 and 30-11-2002 and 01-12-2002 to 15-12-2002 for removal of sand from same place of land of Sri P. Sambasiva Raju, even after such prohibitory orders were issued by the Hon'ble High Court on 27-09-2002 for issue of Temporary permits.

ARTICLE-2:

Subsequently on a petition filed by Sri I. Rajagopala Rao, R/o SSR Peta, through letter dated: 30-12-2002 to the District Collector, Vizianagaram comprising that the sand in S.No. 12/24 A was illegally lifted in other than the permitted area. Sri K. Anand, the then District Panchayat Officer, Vizianagaram in his Rc.No.1427/01, dated:01.01.03, wrote a letter seeking clarification from the Additional Advocate General, A.P. High Court, Hyderabad duly explaining the details of the temporary permits issued to Sri P. Sambasiva Raju, in his private patta land, whether the temporary permits can be issued in view of the orders of the Hon'ble High Court, dated: 27.09.2002 for which the Addl. Advocate concerned advised not to issue temporary permits in view of the orders of the Hon'ble High Court. But, in his letter, he concealed the fact that he had issued (3) temporary permits during the period from 1.11.2002 to 15.12.2002 to Sri P. Sambasiva Raju for a total quantity of 600 M3 (200X3) of sand as he only mentioned about the (4) temporary permits earlier issued (from 30.06.2002 to 28.08.2002) to the same applicant, which were issued prior to the Hon'ble High Court orders dated: 27.09.2002 and thereby he misrepresented the AAGHC of Andhra Pradesh, concealing the irregularities committed by him.

ARTICLE-3:

After the application of Sri P. Sambasiva Raju was rejected, he filed W.P.No.2074/2003 in Hon'ble High Court on 1-2-2003 stating that (a) his pattaland in S.No. 12/24 A is situated adjacent to Champavathi river and by virtue of floods in the river, sand with thickness (depth) of 1 feet has accumulated in his pattaland, (b) that unless the sand is removed, the land cannot be suitable for cultivation and agriculture crops; and (c) that if the sand is not removed before commencement of agriculture season, it would put him to irreparable loss.

On the contents of the petitioner, the Hon'ble High Court disposed the W.P., in their order, dt: 30-04-2003 in terms of the order dt. 18.4.2003 in W.P.No. 6901 of 2003 which is as follows:

“The petitioner may remove the sand on his land only from his land after informing the Mandal Revenue Officer, and keep it in the corner on his own land and after removing the sand and informing Mandal Revenue Officer, the petitioner may make an application to the District Panchayat Officer, who is member-convenor of the DLC and he shall auction the sand collected on the petitioner's land in accordance with the said rules.”

(P.T.O.)

Subsequently, Sri P. Sambasiva Raju, vide letter dated: 9-6-2003 requested the Chairperson, District Level Committee, Vizianagaram to permit him to remove the sand from his patta land and stock in corner of land as per High Court orders Dated: 18-04-2003. The then District Panchayat Officer, Vizianagaram, vide Lr. No. 1427/01, A2, dt: 11-6-2003 asked the pattadar to remove sand from the patta land, stock it in the corner of land and intimate to him for which Sri P. Sambasiva Raju, through letter dt. Nil, informed the District Panchayat Officer that the sand have been removed from S.No.12/24A and stocked in corner of the land and requested to take over the same for conduct of auction.

Subsequently the then District Panchayat Officer, Vizianagaram has issued the press notification calling for tenders in which it was mentioned that the "sand available over an extent of 2 acres" and nowhere it was mentioned that the sand has been kept at a corner of the land. Hence, Sri K. Anand, while he was working as the District Panchayat Officer, Vizianagaram violated the order of the High Court, knowing fully well that the sand was not actually removed and stocked in a corner of the Pattadar's land and caused for issuing one year lease. Had the sand was put on the corner of the land, the quantity would have been readily available with the then District Panchayat Officer, Vizianagaram and there would not have been any need to carry out negotiation etc. and give one year period for removal of sand. Hence he allowed one year period lease as if it is a regular quarry working and further he went on to issue many number of the way bills without bothering for field verification, the act of which had paved way for the lease holder for illegal quarrying outside the leased area.

ARTICLE-4:

The Divisional Panchayat Officer, Vizianagaram in his letter No. PLDs No.602/03, Dated: 16-10-2003, informed the District Panchayat Officer, that Sri N.A. Krishnam Raju, was illegally quarrying sand from the adjacent Champavathi River. The then District Panchayat Officer, Vizianagaram neither inspected the site nor took any action for cancellation of the lease. He simply issued notice No.1427/01, dt: 21.10.2003 to the lease holder stating that if the sand is removed from other than the leased area, necessary action will be taken against him.

ARTICLE-5:

The Revenue Divisional Officer, Vizianagaram after visiting the site on 30.01.2004 and vide D.O.Lr.No.164/04, dt:2.2.2004 reported that Sri N.A.V. Krishnam Raju illegally excavated 8000 M3 of sand over an extent of 0.15 cents in S.No.152 falling in Champavathi River and he had made road in the middle of Champavathi river bed for plying vehicles. The Revenue Divisional Officer, Vizianagaram had also recommended for imposition of fine of an amount of Rs.25,000/- for illegal quarrying sand in the adjoining Government Paramboke lands. The then District Panchayat Officer, Vizianagaram being the Member-Convenor failed to implement the recommendation of the Revenue Divisional Officer, Vizianagaram and caused loss of Rs.25,000/- to the Government.

ARTICLE-6:

During the joint inspection of Vigilance & Enforcement Officials, along with District Panchayat Officer, Assistant Director, Mines & Geology, and the then Mandal Revenue Officer, of Gurla and Nellimarla in S.No. 12/24A of Moidavijayarampuram village, it was observed that a total quantity of 783 M3 sand was removed over an extent of 0.967 acres of the leases area. As per the records of the District Panchayat officer, Vizianagaram 21 way bill books containing 2100 way bills for transporting 10,500 cmt of sand (@5 cnt/waybill) were issued to the lease holder, during the period from 30-8-2003 to 9.12.2004. Thus, the lease holder transported 2673 M3 (10500-7827) of sand illegally quarried from outside the leased area, under the cover of way bills issued by the District Panchayat Officer.

(P.T.O.)

Therefore, the then District Panchayat Officer, Vizianagaram without ensuring as to what extent the sand was quarried, has issued way bill books indiscriminately and allowed the lease holder to quarry and transport 2673 M3 of sand from out side the lease area.

ARTICLE-7:

Two pattadars by name Sri R.S. Simhachalam and Sri K. Appala Naidu, R/o. Denkada village & Mandal wrote to the then District Panchayat Officer, Vizianagaram which they have stated that, they have removed the accumulated sand at a corner of the lands in S.Nos. 38/8, 378/1, 378/8 and 379/2 (over an extent of Ac.6.58 cts) and S.No. 38/4, 38/6P and 378/6 (over an extent of Ac.2.49 cts) respectively in Denkada village and requested to take over the sand. The District Panchayat Officer, Vizianagaram without getting the areas inspected in order to verify the genuineness of the claims, put up note to Joint Collector / Chairperson, District Level Committee for fixing date for District Level Committee meeting, by misquoting the order of Hon'ble High Court in the case of previous case i.e. in case of S.No.12/24A. The then Joint Collector had proposed for District Level Meeting on 25-05-2004. The Chairperson, District Level Committee in the Note orders, directed to obtain upset prices from the Assistant Director, Mines & Geology after receipt of report from the Divisional Panchayat Officer concerned on the availability of sand removed and stocked in corner of land.

Whereas the then District Panchayat Officer, Vizianagaram not only took a decision by himself by misrepresented by adopting the lease procedure of S.No. 12/24A of Moidavijayarampura village, but also without seeking the report of the Divisional Panchayat Officer, as directed by the Chairperson, District Level Committee sent the file to Assistant Director, Mines & Geology for fixing the upset prices, who recommended Rs.36,000/- as upset prices, even which was raised to Rs.42,000/- by the then District Panchayat Officer, Vizianagaram without assigning any reasons for such hiking and issued Press notification.

ARTICLE-8:

The then District Panchayat Officer, Vizianagaram went on issuing way bills without bothering to find out from where the sand was being transported. Majority of the way bills issued by him were utilized for transporting illegally quarried sand from outside the leases areas, the quantity with penalty which was worked out to Rs.6,73,79,004/- for which the then District Panchayat Officer, Vizianagaram did not took steps to prevent the illegal transportation of sand even after the Vigilance & Enforcement officials have found such illegal quarrying in their inspection on 3.3.2005.

**CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT**

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-II

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI K. ANAND, THE THEN DISTRICT PANCHAYAT OFFICER, VIZIANAGARAM ARE PROPOSED TO BE SUSTAINED.

1. From the General Administration (Vigilance & Enforcement) Department, Vigilance Report No.153, dt;29.9.2005.

**CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT**

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI K. ANAND, THE THEN DISTRICT PANCHAYAT OFFICER, VIZIANAGARAM ARE PROPOSED TO BE SUSTAINED.

-Nil-

**CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT**

//FORWARDED BY ORDER//

SECTION OFFICER